

# COURT MINUTES OF SENTENCING HEARING

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UNITED STATES of AMERICA,

v.

CASE NO. 14-CR-143-JPS

JOHN WILHOITE.

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## HON. J. P. STADTMUELLER PRESIDING

DATE: October 28, 2014

TIME SCHEDULED: 8:30 a.m.

COURT DEPUTY/CLERK: Elleny Christopoulos

TIME CALLED: 9:09 a.m.

COURT REPORTER: Heidi Trapp

TIME FINISHED: 9:45 a.m.

GOVERNMENT BY: Scott Campbell with Annie Phillippi of the DEA Task Force

DEFENDANT BY: James Felman

PROBATION BY: Melissa Hernandez

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### Notes:

9:09 a.m. Appearances; court puts background of case on record, including defendant's having pled guilty to Count One of the Information; court asks whether parties have had an opportunity to review presentence report

9:11 Parties have reviewed those materials and have no objections to the facts as presented

9:12 Court notes applicable guidelines

Total Offense Level: 4

Criminal History Category: I

0 to 6 months imprisonment

1 year supervised release

1 to 3 years probation

\$250.00 to \$5,000.00 fine

\$25.00 special assessment

9:13 Parties accept these guidelines; Court will adopt for purpose of considering defendant's sentence

9:14 Defendant makes a statement on his own behalf

9:17 Defendant's attorney makes statement on defendant's behalf, requests 1 year unsupervised probation

9:21 Government makes a statement, requests 1 year supervised probation

9:28 Court discusses statements of the parties, facts of the case, and facts as presented in

presentence report; court requests probation officer to discuss mandatory probation conditions in Georgia; the court will not impose a search condition of probation

9:39 Court imposes the following formal sentence:

1 year probation

Fine: Waived

Probation with the following conditions: 1) Not possess firearms; 2) Not illegally possess any controlled substance, court waives drug testing requirement; 3) Standard conditions of probation

Special assessment: \$25.00 to be paid immediately

9:42 Court advises defendant of right to appeal within 14 days; parties have nothing further to address; defendant wants to know what travel restrictions are and whether he can go hunting with a bow; Court responds that these are questions for probation; court does not believe there is a restriction regarding travel as long as probation is informed

9:45 Court stands in recess

## FORMAL SENTENCE

### Custody of Bureau of Prisons

None

### Supervised Release/Probation

1 year on Count One

### Fine

Terms: None

- ☒ Fine waived due to defendant's inability to pay.
- ☐ Interest on fine waived.
- ☐ Deft. To participate in FBP Inmates' Financial Responsibility Program
- ☐ Payments to apply to special assessment and then to the fine or restitution (if applicable)
- ☐ Court imposes COSTS of incarceration, community confinement and supervision

### Restitution

Payee(s):

Special Terms of Payment:

### Special Conditions of Supervised Release/Probation

- |  |   |
|--|---|
| <input type="checkbox"/> report in 72 hours                              | <input type="checkbox"/> no new credit charges                            |
| <input checked="" type="checkbox"/> no firearms                          | <input type="checkbox"/> pay child support & arrearage                    |
| <input type="checkbox"/> report conviction to employer                   | <input type="checkbox"/> restitution:\$____, at \$ ____/mo, 100%, no chng |
| <input checked="" type="checkbox"/> no illegally possess control. subst. | <input type="checkbox"/> cooperate with I.N.S.                            |
| <input type="checkbox"/> drug & alcohol testing                          | <input type="checkbox"/> cooperate with I.R.S.                            |
| <input type="checkbox"/> halfway house for ____                          | <input type="checkbox"/> no tavern  |
| <input type="checkbox"/> financial disclosure                            | <input type="checkbox"/> other:   |
| <input type="checkbox"/> community service: ____hours                    | <input type="checkbox"/> other:   |
| <input type="checkbox"/> fine at\$____/mo, 100%, no chnge exemp.         | <input type="checkbox"/> other:   |

### Special Assessment

\$25.00 on Count One , for a total special assessment of \$25.00

- ☒ To be paid immediately to the Clerk of Court, Room 362
- ☐ To be paid prior to expiration of this sentence.
- ☐ Other:

## Forfeiture

Terms:

### Custody Status

- ☐ Defendant remanded to custody of U.S. Marshal.
- ☐ Execution of sentence stayed until \_\_\_\_\_
- ☐ Defendant Voluntary surrender to institution on or after \_\_\_\_\_
- ☒ Defendant's bond continued until he/she reports.
- ☐ Defendant advised of right to appeal.
- ☐ Recommendations for BOP:

### Other

- ☐ Upon motion of government, Count \_\_\_\_\_ be and the same is/are hereby DISMISSED
- ☒ Court orders that drug testing requirements be and the same are hereby WAIVED

## STATEMENT OF REASONS

- ☒ The Court adopts the factual findings and guideline application in the presentence report

or

- ☐ The Court adopts the factual findings and guideline application in the presentence report except as noted at sentencing.

Guideline Range Determined by the Court:

Total Offense Level:	4
Criminal History Category:	I
Imprisonment Range :	0 to 6 months
Supervised Release Range:	1 year
Probation Range:	1 to 3 years
Restitution (may be due during supervised release):	None
Fine Range:	\$250.00 to \$5,000.00
Special Assessment:	\$25.00

- ☒ Fine is waived or is below the guideline range because of def.'s inability to pay.
- ☐ Full restitution is not ordered for the following reasons:

- ☒ The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application for the guidelines

or

- ☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence

is imposed for the following reasons:

or

- The sentence departs from the guideline range for reasons set forth at sentencing